

**Town of Burns Harbor  
Advisory Plan Commission**

Minutes of Monday, February 1, 2016

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A regular meeting of the Burns Harbor Advisory Plan Commission was called to order by President Eric Hull at 7:00 pm. Present at roll call were Toni Biancardi, Andy Bozak, Gordon McCormick, Bernie Poparad, Krista Tracy, and Crystal Westphal.

Also present were Building Commissioner Bill Arney, and Attorney Christine McWilliams.

**Minutes**

Bozak moved to approve the minutes of January 4, 2016 as written. Westphal seconded the motion. Motion carried by unanimous vote.

**Communication, Bills, Expenditures**

***July meeting falls on the Fourth of July Holiday***

Biancardi moved to reschedule the July meeting to Monday, July 11 at 7 pm. McCormick seconded the motion. Motion carried by unanimous roll call vote.

**Report of Officers, Committee, Staff**

Poparad reported the BZA had an orientation for its members stating that it was very productive and beneficial.

The Plan Commission will also have an orientation at the end of the March meeting.

**Preliminary Hearing**

None.

**Public Hearing**

None.

**Old Business**

***Surface Parking***

Attorney McWilliams presented the Board with three (3) proposals to address surface parking.

Option 1, 2, and 3 provided as a supplement to the minutes.

Building Commissioner Arney and Attorney McWilliams both believe Option 1 would best address surface parking to help people understand it and give the Building Commissioner the tools to enforce it.

Poparad raised the concern over trucks parking overnight at properties they are not affiliated with citing Tech Drive as an example. Arney said this is an enforcement issue suggesting that letters

be sent and see if that takes care of it. He said it can be policed and citations written for trucks found in violation.

Biancardi moved to set Surface Parking Option 1 for preliminary hearing in March. Westphal seconded the motion. Motion carried by unanimous roll call vote.

## **New Business**

### ***Fee Structure Proposal***

Biancardi said the Building Department brought to my attention two possible issues with the current Fee Structure.

Table 15-5 requires permits starting at a project value of \$5000 for RC2, DD, BP, SD zones.

According to Chapter 4 of the Town Code, Sec. 4-7 A. A permit shall be required for beginning construction on any building or structure or for the restoration or repair of any building or structure if the cost of the construction, repair or restoration exceeds \$1,000.00.

Biancardi proposed changing \$5000 to \$1000.

Table 15-4 Fee for signage is currently \$75 per sign or 10% total cost of signage, whichever is greater.

Biancardi shared that last year, North American Signs took out a permit for the installation of 124 square feet of signage and channel letters at the Lakeshore Toyota dealership, which was added onto and remodeled in 2015. The estimated cost of the signage was \$28,000.00. They paid \$2,800.00 for the permit under the current fee structure.

Biancardi proposed changing it to one similar to a neighboring community.

<b>Burns Harbor</b>	<b>Chesterton</b>	<b>Porter</b>	<b>Portage</b>	<b>Michigan City</b>
\$75 or 10% of total cost	65 cents/sq ft min. \$35	\$25,001- \$50,000 \$391.25 plus 0.014	\$50	\$1/sq ft
<b>\$2,800</b>	<b>\$80.60</b>	<b>\$433.25</b>	<b>\$50</b>	<b>\$124</b>

Changes to the Fee Structure do not take effect until 90 days after adoption. Bosak Auto Group recently purchased Arnell and will be changing over signage. Attorney McWilliams will research whether or not relief can be granted to a business if requested.

Bozak moved to set the amendments to the Fee Structure for preliminary hearing in March changing the project value in table 15-5 to \$1000 and signage fee in table 15-4 to \$75 minimum or \$1/square foot, whichever is greater. Poparad seconded the motion. Motion carried by unanimous roll call vote.

### ***Review: Bonds, Maintenance Guarantees, Letters of Credit***

Still waiting on an Infrastructure Guarantee Agreement from Tom Lightfoot, Corlin's Landing.

Clerk-Treasurer Jane Jordan updates the spreadsheet as she receives or releases Letters of Credit. This is the most accurate record of outstanding bonds, maintenance guarantees, letters of credit. Expiration dates have been added to a calendar with an alert approximately two months' prior for the board to review.

The Village Phase 4A is completed. The Plan Commission forwarded a favorable recommendation to accept the infrastructure with the condition that they provide a plan to fill the borrow pit. They never followed through with requesting acceptance at the Town Council. Biancardi will reach out to the Engineer.

The Village Phase 4B shows that it expired 2 years ago. It may have been extended. The minutes would reflect what decisions were made. In December 2014, the Plan Commission approved a reduction to the Letter of Credit.

### **Good of the Order of the Community & Any Other Business**

#### ***Code Book Updates***

Hull suggested the Plan Commission work in committees to review the Code Book and propose recommended changes. Hull asked that the Board to consider what topics they would be interested in working on for next month's meeting.

#### ***Appointment to Plat Committee***

Poparad moved to appoint Plan Commission members Andy Bozak, Gordon McCormick, and Krista Tracy to the Plat Committee. Biancardi seconded the motion. Motion carried by unanimous roll call vote.

### **Announcements**

None.

### **Adjourn**

Bozak moved to adjourn at 7:55 pm. McCormick seconded the motion. Motion carried by unanimous vote.

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Eric Hull, President

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,Secretary

## SUPPLEMENT: Informal Proposal re: Surface Parking

### OPTION 1:

1. Leave definition of Surface Parking as is. **Surface Parking**: An off-street, ground-level, permanently paved open area that provides temporary Storage for Motor Vehicles.
2. Amend/add the following:
  - a. Add definition of **Motor Vehicle**: a vehicle that is self-propelled including automobiles, trucks, motorcycles, snowmobiles, recreational vehicles and like devices which have a gross vehicle weight rating of 26,000 pounds or less.
  - b. Add definition of **Commercial Motor Vehicle**: a vehicle that has a gross vehicle weight rating of at least 26,001 pounds, is designed to transport 16 or more passengers including the driver, or similar vehicle with two (2) or more rear axles; or any size vehicle carrying hazardous materials which requires placarding.
  - c. Add definition of **Commercial Surface Parking**: an off-street, ground level, permanently paved open area that provides temporary storage for commercial motor vehicles other than for expeditious delivery or pickup of materials or for construction use.
  - d. On the Table of Uses, add Commercial Surface Parking
    - i. *Commercial* surface parking not permitted in ROS (Residential open space), R (Residential), RC1 (Residential/Commercial 1), RC2 (Residential Commercial 2), DD (Downtown District), and BP (Business Park)
    - ii. *Commercial* surface parking permitted only in Special Use District
    - iii. Surface parking would still be permitted in all districts
  - e. Add definition of **off-street**: located outside of a street right-of-way.
  - f. Amend definition of **Vehicle** by adding to medium vehicle: “*with a gross vehicle weight rating that does not exceed 26,000 pounds*” and by replacing 18,500 with 26,000 pounds for heavy vehicle.
    - I would recommend removing “vehicle” from definitions all together since we are subdividing out motor vehicles and commercial vehicles but, this could have unforeseen consequences with other provisions located in different sections of the code. Probably best to err on the side of caution and leave the definition in and just tighten it up to be consistent with the additions.

### OPTION 2:

1. Change definition of surface parking by removing the word “motor” and then rely on the current definition of vehicle and have surface parking apply only to light and medium vehicles i.e.:
  - a. **Surface Parking**: An off-street, ground-level, permanently paved open area that provides temporary Storage for ~~Motor~~ Vehicles but which does not apply to Heavy vehicles as is defined within this Code. For purposes of this section, heavy vehicle means trucks, truck tractors, and similar vehicles with two (2) or more rear axles with a gross vehicle weight rating of 26,001 pounds or more, or any truck-tractor or semitrailer.
  - b. **Vehicle**:
    - i. Boats and watercraft (motorized and non-motorized)
    - ii. Light: Cars and trucks with single rear axles and single rear wheels with a gross vehicle weight rating of 8,000 pounds or less, including motorcycles and scooters.

- iii. Medium: Trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels *with a gross vehicle weight rating that does not exceed 26,000 pounds.*
  - iv. Heavy: Trucks, including truck tractors, and similar Vehicles with two (2) or more rear axles. Any truck exceeding a gross vehicle weight rating of 48,500 26,000 pounds or any truck-tractor or semitrailer.
- 2. Add a definition for **Commercial Surface Parking**:
  - a. An off-street, ground level, permanently paved open area that provides temporary storage for *heavy vehicles, other than for expeditious delivery or pickup of materials or for construction use.*
  - b. On the Table of Uses, add Commercial Surface Parking
    - i. *Commercial* surface parking not permitted in ROS, R, RC1, RC2, DD and BP
    - ii. *Commercial* surface parking only permitted in Special Use District
    - iii. Surface parking would still be permitted in all districts
  - g. Add definition of **off-street**: located outside of a street right-of-way.

#### OPTION 3:

- 1. Carve out a subsection in the code dedicated solely to parking.
  - a. Portage Municipal Code has an entire section dedicated to Prohibited Parking, could follow their model if the Board chooses this option. Examples of some of the subsections include:
    - i. Restricted Parking Zones
    - ii. Prohibited Parking Areas
    - iii. Alley Parking
    - iv. Trailer, Tractor, semitrailer parking
    - v. Bus, Truck, Trailer Parking, restricted
    - vi. Central Business district parking
    - vii. Parking Near Schools